

Commonly Asked Questions about the Water Quality Certification Program

Following are simple answers to commonly asked questions. For a more thorough explanation of these answers, please visit IDEM's web site (www.state.in.us/idem/owm/planbr/401/401home.html) or call 317-233-8488 or 800-451-6027, ext. 3-8488.

Q. What are the "waters of the state?"

A. In general, waters of the state include all lakes, rivers, streams, creeks, drainage ditches, and wetlands.

Q. What types of projects require Water Quality Certification?

A. Any project that requires a Corps of Engineers Section 404 Permit will also require Water Quality Certification. The Corps has the authority to decide which projects require a permit, but the following are likely candidates: dredging or filling in a lake, river, stream, or wetland; bank stabilization; pond construction in a wetland; road/driveway/bridge construction projects involving water crossings and/or wetland fill.

Q. Is there an application fee for Water Quality Certification?

A. There are no fees required for applying for certification.

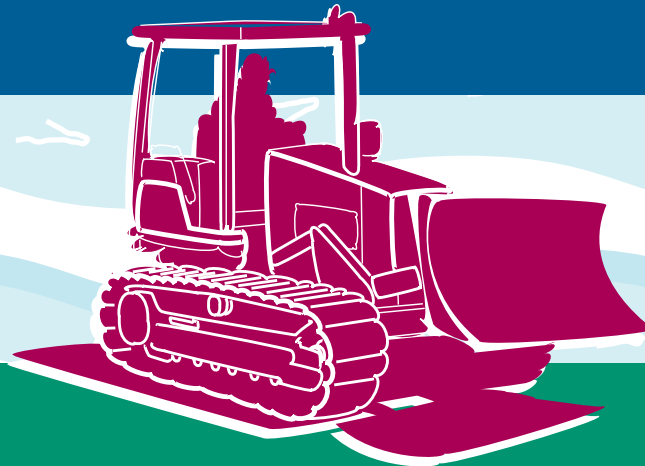
Q. How long will it take to obtain a Water Quality Certification?

A. IDEM normally acts on Water Quality Certification applications in less than 60 days. IDEM may take more than 60 days, but rarely does so if all the necessary information has been provided by the applicant.

Q. What is mitigation?

A. Mitigation refers to the reduction or lessening of the negative impacts that a project will have on water bodies (usually wetlands). The best way to do this is to avoid or minimize the negative impacts when designing the project, but it can also be achieved by creating, restoring, and/or enhancing wetlands off-site.

Dredging? Filling? Excavating?



Read This First!



**Indiana Department
of Environmental Management
Water Quality Certification Program**

You May Need Water Quality Certification

If you are dredging, filling, or excavating in a wetland or in other waters, federal and state laws require that you obtain Water Quality Certification from the Indiana Department of Environmental Management (IDEM). This certification process protects the water quality of all Indiana waters for the benefit of all Hoosiers.

When Do You Need Certification?

Any person who wishes to place fill materials, excavate or dredge, or use heavy equipment within a wetland, lake, pond, river, or stream must first apply to the U.S. Army Corps of Engineers (Corps) for a permit under Section 404 of the federal Clean Water Act. If the Corps decides that you need a 404 Permit, you must obtain a Water Quality Certification from IDEM. You can not conduct your project without a Corps permit, and you can not receive a Corps permit without Water Quality Certification.

How Do You Get the Certification?

Submit an application to IDEM as described inside this brochure. IDEM reviews your proposed project to determine if it will have negative impacts on the quality of Indiana's waters. IDEM will require you to avoid or minimize impacts wherever possible. Where impacts are unavoidable, IDEM will require you to compensate for them through mitigation—restoring or creating other wetlands nearby.

Will Your Certification be Approved?

The majority of certification applications are approved, provided you work with IDEM throughout the process as outlined inside this brochure. However, IDEM will deny certification if the proposed project causes negative impacts to Indiana's waters that cannot be sufficiently offset through mitigation.

How IDEM Can Help

This brochure describes each step of the Section 401 Water Quality Certification process to help you complete the process as quickly and easily as possible.

Read On!



The Water Quality Certification Process

This diagram briefly describes the certification process and gives tips for making the process run as smoothly as possible. You can learn a LOT more about each step of this process, as well as obtain application forms and/or contact agency staff, by visiting IDEM's web site (www.state.in.us/idem/owm/planbr/401/401home.html) or by calling 317-233-8488 or 800-451-6027, ext. 3-8488.

1. Early Coordination

Through this voluntary process, you can discuss your proposed project with IDEM before you submit your application. IDEM staff can help identify potential problem areas and recommend solutions that will decrease project review times and increase environmental protection.

TIP: *If your project is large or complex, if it impacts sensitive areas such as wetlands, or if you have never applied for water quality certification before, this step is highly recommended!*

TIP: *Contact IDEM 6-12 months prior to the planned beginning of work.*

2. Submit Application

Applicants must use the Water Quality Certification application form available from IDEM via the Internet, mail, or fax. Contact us at 317-233-8488 to obtain copies.

TIP: Apply Early! *The most common mistake people make is to wait until the last minute.*

3. Public Notice

Public notice is required by law for all applications. The notice is announced within 3 business days of IDEM receiving a complete application. The notice period lasts 21 days and IDEM can not issue a final decision until the comment period has expired. Occasionally IDEM will hold public hearings to obtain additional information.

TIP: *In some cases, IDEM and the U.S. Army Corps of Engineers will issue a joint public notice for a proposed project.*

BEST TIP:

The best tip of all is to contact IDEM as soon as possible in the process. Staff is available to answer questions, give input, and help you through every step of the process—and it's all free!

4. IDEM Reviews Application

IDEM will review your application to assess the impacts of your project on water quality. Use of buffer areas and/or mitigation will help ensure that the project will comply with Indiana's water quality standards. IDEM will contact you to request any missing or incomplete information. This step can usually be completed within 60 days of receipt of a complete application.

TIP: *The most common cause for delays and/or denial of certification is incomplete applications.*

5. Site Investigation

As part of the application review, IDEM may inspect the site of the proposed activity to evaluate the project and potential impacts to wetlands and other aquatic resources. Applicants are encouraged to be present.

6. Final Decision

When the review process is complete, IDEM will notify you via certified letter of the final decision. In many cases, IDEM will approve the application contingent upon your agreeing to meet specific conditions. In some cases, you may not receive immediate approval to proceed with your project, but IDEM will explain what issues must be addressed in order for your application to be approved.

TIP: *Following all conditions attached to your certification will ensure that your project avoids any delays and will protect the quality of Indiana's waters for future generations to enjoy!*



Office of Water Management
317-233-8488 or 800-451-6027

This brochure was prepared by the Indiana Department of Environmental Management under Grant No. CD985482-01-0 from the U.S. Environmental Protection Agency, Region 5.
Printed with soy ink on 15% post consumer recycled paper.